HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.13994 of 2007

Dated:16.07.2007

Between:

Lanka Satyanarayana Murthy and others.

…Petitioner.

and

State of Andhra Pradesh and another.

…Respondents.

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.13994 of 2007

ORDER:

The petitioners claim to have presented Agreements of Sale-cum- General Powers of Attorney, before the 2nd respondent, for registration, on 20.06.2007. It is stated that the transactions relating to various

sub-divisions of survey No.27 of Cheemalapalli Village, Pendurthi Mandal, Visakhapatnam District, are dealt with under the documents. The petitioners state that there cannot be any justification for the

2nd respondent in refusing to register the documents. It is also stated that the lands were purchased by their predecessors in title, in the year 1943, and there is absolutely no justification for the respondents in treating the property as Government land.

On behalf of respondents, a counter-affidavit is filed. It is stated that way back in the year 2004, the Mandal Revenue Officer had informed that the lands in various sub-divisions of survey No.27 belong to Government and are classified as 'Banjar' and in view of Section 22-A introduced through Act 19 of 2007, the documents cannot be registered.

Heard learned counsel for the petitioners and the learned Government Pleader for Revenue.

It is no doubt true that the A.P. State Legislature introduced Section 22-A through Act 19 of 2007, prohibiting the registration of documents, in respect of certain categories of lands. The question as to whether the lands covered by the documents presented by the petitioners fall into any of the said categories, can be decided, only after the document is received and necessary verification has undertaken. The

2nd respondent cannot refuse to receive the documents. Further, mere receipt of a document does not entail any rights or obligations for the parties. On the other hand, the refusal to receive the same would amount to abdication of powers conferred on the authority.

If, after examining the documents, the 2nd respondent finds that they can be admitted to registration, no further controversy arises. If, on the other hand, he finds any reason to refuse, he has to communicate the reasons to the petitioners.

For the foregoing reasons, the Writ Petition is disposed of, directing that;

a) the 2nd respondent shall receive the documents that may be presented by the petitioners and verify whether they can be admitted to registration. It shall also be open to him to call for any additional information from the petitioners.

b) in case, the documents are found to be otherwise in order, and the transaction is not prohibited under Section 22-A of the Act, the documents admitted to registration, within ten days from the date of receipt of a copy of this order. On the other hand, if there exists any reasons for not registering the documents, the reasons shall be communicated to the petitioners within that time.

There shall be no order as to costs.

Dt.16.07.2007 **L.NARASIMHA REDDY, J**

GJ